

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

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Case No.: **22-18303-JKS**

Chapter 13

Judge: John K. Sherwood

In Re:

**Alexandre J. Dacosta and Vivianne C. Antunes,**  
  
Debtor(s).

**NOTICE OF OBJECTION TO CONFIRMATION OF  
CHAPTER 13 PLAN**

Bank of America, NA (the “Secured Creditor”) which holds a mortgage lien on the real property located at 80 Columbia Avenue, Kearny, NJ 07032 (the “Property”) hereby objects to the proposed plan filed in the above referenced Chapter 13 due to the following reasons:

1. Pursuant to 11 U.S.C. § 1325(a)(5) the court shall confirm a plan only if at least one of three conditions relating to secured claims are met.
  - a. The Secured Creditor does not accept the proposed plan, pursuant to 11 U.S.C. § 1325(a)(5)(A).
  - b. The plan does not cure all the pre-petition arrears due and owing Secured Creditor, in violation of 11 U.S.C. § 1325(a)(5)(B)(ii).
  - c. The Plan does not call for the surrendering of the Property securing the Secured Creditor’s claim, pursuant to 11 U.S.C. § 1325(a)(5)(C).

2. Absent the proposed Plan being modified to satisfy at least one of the above itemized conditions, this Plan should not be confirmed.
3. The proposed plan does not provide for any treatment of Secured Creditor's Claim.
  - a. If the plan completes early and completes before the loan maturity date of the Secured Creditor's loan, the Debtors may take the position that the loan has been discharged pursuant to 11 U.S.C. § 1325.
  - b. Part 4:f. of the plan should be amended to indicate that Secured Creditor's claim will be unaffected by the Plan, and will not be discharged upon plan completion.

Based on the above, the Secured Creditor objects to confirmation of the proposed Plan unless the provisions in the Plan are modified to address the above itemized objections.

Secured Creditor further joins in any objection raised by the Chapter 13 Standing Trustee.

**FRENKEL LAMBERT WEISS  
WEISMAN & GORDON, LLP**  
Attorneys for Secured Creditor

Dated: December 01, 2022

/s/ *Douglas McDonough*  
Douglas McDonough, Esq.